

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

(1) FEDERAL ADVISORY COMMITTEE NAME <i>State the legal name of the FAC</i>
The Mine Safety and Health Research Advisory Committee (MSHRAC)
(2) AUTHORITY <i>Identify the authority for establishing the FAC</i>
The Mine Safety and Health Research Advisory Committee (MSHRAC) is required by Section 102(b)(1) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C §812(b)(1) (Pub. L. No. 95-164). The Committee is governed by the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App., which sets forth standards for the formation and use of advisory committees.
(3) MISSION/FUNCTION <i>Describe the mission/function of the FAC</i>
<p>MSHRAC advises the Secretary, Department of Health and Human Services (HHS); the Director, Centers for Disease Control and Prevention (CDC); and the Director, National Institute for Occupational Safety and Health (NIOSH), on the conduct of mine health research including making of grants and entering into contracts for such research, (30 U.S.C. §812 (b)(2), Pub. L. No. 95-164, § 102(b)(2). MSHRAC also provides advice on the conduct of mine safety research. MSHRAC evaluates the degree to which: 1) the mine research activities of NIOSH conform to those standards of scientific excellence appropriate to Federal scientific instructions in accomplishing objectives in mine safety and health; 2) the mine research activities, alone or in conjunction with other known activities inside and outside of NIOSH, address currently relevant needs in the field of mine safety and health; and 3) the research activities produce intended results in addressing important research questions in mine safety and health, both in terms of applicability of the research findings and translation of the findings.</p> <p>The Federal Mine Safety and Health Act of 1977 authorizes the Secretary, Department of Health and Human Services (HHS) to: 1) conduct such studies, research, experiments, and demonstrations to improve working conditions and practices in mines, and to prevent occupational diseases originating in the mining industry (30 U.S.C. §951(a)(1), (Pub. L. No. 95-164, § 501(a)(1)); 2) conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons who work with or around the products of mines, which may adversely affect their health and well-being 30 U.S.C. §951(d), Pub. L. 95-164, § 501(d)); and 3) make grants for research and experiments to develop effective respiratory equipment (30 U.S.C. §951(g), Pub. L. 95-164, § 501(g)). Under other provisions relating to mining, the Department also conducts scientific and technologic investigations with a view to improving health conditions and increasing safety in mines.</p>

(4) POINTS OF VIEW

Based on understanding the purpose of the FAC.

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;*
- (b) consider indentifying an anticipated relative distribution of candidates across the categories; and*
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

The Committee shall consist of 10 appointed members, including the Chair, and three voting Ex-officio members. Members and the Chair shall be selected by the Secretary, HHS, or his/her designee.

The Chair and a majority of the persons appointed shall be individuals who have no economic interests in the mining industry, and who are not operators, miners, officers or employees of the Federal Government or any State or local government in accordance with (30 U.S.C. §§812(b)(1) and (3), [Sections 102(b)(1) and (3) of Pub. L. 95-164]).

Committee membership shall be structured as follows: the Chair and three voting Ex-officio members (or their delegates); the Assistant Secretary of Labor, Mine Safety and Health Administration; the Director, National Science Foundation; and the Director, National Institutes of Health (voting rights of ex officio members may be delegated to specified alternates); individuals knowledgeable in mine safety and health research and dissemination of scientific research findings and currently practicing in their profession; individuals representing labor mining organizations; and individuals representing the mining industry.

Members shall be invited to serve for overlapping terms of up to four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of that term. Terms of more than two years are contingent upon the renewal of the committee by appropriate action prior to its termination. A member may serve 180 days after the expiration of that member's term if a successor has not taken office.

Members serve as Special Government Employees. Having members serve as SGE's ensures the required ethics training is taken and ensures that no conflicts of interest exist prior to serving on the Committee.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

HHS, CDC, NIOSH, and the Office of Mine Safety and Health Research looks for individuals who are directly qualified with demonstrated professional or personal qualifications and experience relevant to the Advisory Committee tasks. Consideration will be given to a broad range of geographic areas. The Committee will also include representation from the three major mining sectors; coal, metal/non-metal, and stone, sand and gravel, as the health and safety issues are often different.

Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status.

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency, and*
- (d) state the membership term limit of FAC members, if applicable*

NIOSH receives nominations from stakeholder groups, individuals, and sometime self-nominations. These are compiled by the Designated Federal Officer (DFO) who makes recommendations to the NIOSH Associate Director for Mining, who reviews the nominations with the NIOSH Director. The nomination package is then submitted through the CDC Federal Advisory Committee Management Branch for review and forwarding to the Department of Health and Human Services for final approval.

When a vacancy occurs, the overarching criteria is used to select a person whose expertise will provide a unique perspective to MSHRAC, within the membership cohorts. The expertise of the nominees is compared to those of existing committee members. The goal is to achieve a balanced and diverse committee to ensure different points of view, including industry and labor, are included. Ideally, MSHRAC should also include representatives from different mining segments (coal, metal/nonmetal and stone/sand and gravel) and/or regions of the country, which is considered in the process as well. Academic researchers are included to bring a special perspective on achieving quality, peer-reviewable results. The Committee is balanced with members of the medical community who understand the impact on mine workers health.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

**This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

The process that will be used to determine advisory committee member balance for the parent Federal advisory committee will be used for any subcommittees that may be created.

(8) OTHER

Provide any additional information that supports the balance of the FAC

Not applicable.

(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

November 15, 2016